

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

United States of America,	)	CRIMINAL NO. 0:04-353 (CMC)
	)	
v.	)	<b>OPINION and ORDER</b>
	)	
Kenneth Rashaun Reid,	)	
	)	
Defendant.	)	
	)	

This matter is before the court pursuant to Defendant's *pro se* "Motion pursuant to 3582(c)(2)." ECF No. 704. Defendant previously filed a motion for relief under U.S.S.G. Amendment 782, on October 23, 2015. ECF No. 688. A Sentence Reduction Report ("SRR") was prepared, which stated that Amendment 782 did not apply due to a cross-reference for murder that was used when calculating Defendant's guideline range for count 4 of his conviction. ECF No. 689. Based on the SRR, relief under Amendment 782 was denied on December 10, 2015. Order, ECF No. 694. Defendant now moves again for reduction based on Amendment 782, arguing that he should receive the two-point reduction based on "Bipartisan Bill S.2123." ECF No. 704.

Pursuant to *United States v. Goodwyn*, 596 F.3d 233, 236 (4th Cir. 2010), "the clear intent of § 3582 is to *constrain* postjudgment sentence modifications . . ." Section § 3582(c) "gives a district court one—and only one—opportunity to apply the retroactive amendments and modify the sentence." *United States v. Mann*, 435 F. App'x 254, 254 (2011) (citing *Goodwyn*, 596 F.3d at 236); *see also United States v. Redd*, 630 F.3d 649, 651 (7th Cir. 2011). Accordingly, this court is without jurisdiction to entertain Defendant's motion for relief under § 3582(c).

However, as noted in the Order denying his earlier motion for relief under Amendment 782, Defendant's request for relief fails on the merits. Amendment 782 pertains to guideline sentences based upon drug amount. Defendant was sentenced to a guideline range of life based on a cross-reference to murder. Therefore, Defendant's sentence was not based on drug amount, so Amendment 782 cannot be used to lower his sentence.

Defendant references Bipartisan Bill S.2123. However, this bill has not been passed by Congress or signed into law by the President; therefore, it does not apply to any sentence.

Therefore, Defendant's motion for reconsideration is dismissed as this court is without jurisdiction to consider it. To the extent that Defendant's motion requests "assistance of counsel," Defendant has no matter pending before this court which warrants appointment of counsel. Therefore, that portion of Defendant's motion is denied.

**IT IS SO ORDERED.**

Columbia, South Carolina  
April 28, 2016

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge